

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT PESENECKER AND CHASE
CREWS,

Plaintiffs,

Case No. 16-11886

v.

RAINBOW ENTERPRISES, INC., et al.,

Defendants.

**ORDER GRANTING PLAINTIFFS' MOTION FOR CONDITIONAL CLASS
CERTIFICATION AND COURT SUPERVISED NOTICE PURSUANT TO 29 U.S.C.
§ 216(b)**

AND NOW, this 7th day of October, 2016, upon consideration of Plaintiffs' Motion for Conditional Class Certification and Court Supervised Notice Pursuant to 29 U.S.C. § 216(b), which Defendants have not opposed, it is hereby ORDERED that Plaintiffs' Motion is GRANTED;

IT IS FURTHER ORDERED THAT:

- The court conditionally certifies this action on behalf of:

All current and former restaurant employees who worked for Defendants at 27050 Telegraph Rd, Flat Rock, MI 48134, who worked in excess of forty (40) hours in one workweek and were not paid 1.5 times their pay rate for the hours worked in excess of forty (40) hours.

- The court approves Plaintiffs' proposed notice and consent forms to be sent *via* U.S. Mail and e-mail;
- The court appoints The Law Offices of Bryan Yaldou, PLLC as interim Class Counsel;
- Defendants are to serve Class Counsel with a computer-readable and exportable Excel file containing the full name, last known address, last known telephone number, employee ID number, and last known e-mail address of

all putative class members identified above within thirty (30) days from the date of entry of this Order;

- The court authorizes Class Counsel to promptly disseminate the approved notice and consent form to all Collective Group Members pursuant to the “opt-in” mechanism for collective actions authorized by the Fair Labor Standards Act, 29 U.S.C. § 216(b);
- The court requires Class Counsel to file all opt-in consent forms they receive within ninety (90) days of sending the court-approved notice; and
- The court requires Defendants to refrain from communication with Collective Group Members concerning this lawsuit or the underlying issues.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 7, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 7, 2016, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522